

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

vs.

BILL L. WILMOTH, III,

Defendant.

CASE NO. 09-30049-DRH

FILED**MAY 07 2009**

**ORDER SETTING CONDITIONS
OF RELEASE**

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
BENTON OFFICE

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant must not violate any violation of federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court, Pretrial Services, defense counsel and the U.S. Attorney in writing, before any change in address and telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed. The defendant must appear for Jury Trial on **June 29, 2009, at 9:00 a.m.**, before Hon. David R. Herndon, Chief Judge, 750 Missouri Ave., East St. Louis, IL.

RELEASE ON (☒) PERSONAL RECOGNIZANCE OR () UNSECURED BOND

IT IS FURTHER ORDERED that the defendant be released provided that:

- (☒) (5) The defendant promises to appear in court as required and to surrender for service of any sentence imposed.
- () (6) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of _____ dollars (\$0.00) in the event of a failure to appear as required or violation of any of the other conditions set forth in this order, or to surrender as directed for service of any sentence imposed.

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance, and the safety of other persons and the community, IT IS FURTHER ORDERED that defendant's release is subject to the conditions marked below:

- () (7) The defendant is placed in the custody of: _____ (Name of person or organization) _____ (City and State) _____ (Tel. No.) who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy Date

ADDITIONAL CONDITIONS OF RELEASE (continued)

- (✓) (8) The defendant shall:
- (✓) (a) report to the U.S. Probation Office as directed. Report immediately upon release from court for completion of bond inquiry and reporting instructions.
 - () (b) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property:
 - () (c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described money:
 - () (d) execute a bail bond with solvent sureties in the amount of \$
 - (✓) (e) maintain or actively seek employment
 - () (f) maintain or commence an educational program.
 - () (g) surrender passport to:
 - (✓) (h) not obtain a passport
 - (✓) (i) abide by the following restrictions on personal associations, place of abode, or travel: travel is restricted to Southern District of Illinois.
 - (✓) (j) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the subject investigation or prosecution, including but not limited to:
 - () (k) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (l) return to custody each (week)day as of ___ a.m./p.m. after being released each (week)day as of ___ a.m./p.m. for employment, schooling, or the following limited purpose(s):
 - (✓) (m) maintain residence at a halfway house or Residential Reentry Center, as deemed necessary by the pretrial services office or supervising officer.
 - (✓) (n) refrain from possessing a firearm, destructive device, ammunition, or other dangerous weapon.
 - () (o) refrain from () any () excessive use of alcohol.
 - (✓) (p) refrain from any use or unlawful possession of a narcotic drug and other controlled substance defined in 21 U.S.C. § 802 unless prescribed by a licensed medical practitioner.
 - (✓) (q) submit to any testing required by the pretrial services office or the supervising officer to determine whether defendant is using a prohibited substance. Such testing may be used with random frequency and include urine testing, wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
 - (✓) (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.
 - (✓) (s) refrain from obstructing/attempting to obstruct or tamper, in any way, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring required as a condition of release.
 - () (t) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
 - () (i) **Curfew.** You are restricted to your residence every day () from ___ to ___, or () as directed by the pretrial services office or supervising officer; or
 - () (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education, religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer.
 - () (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.

ADDITIONAL CONDITIONS OF RELEASE (continued)

- (✓) (u) submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology.
 - () The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer determines.
 - () (i) Location monitoring technology as directed by the pretrial services office or supervising officer;
 - () (ii) Radio Frequency (RF) monitoring;
 - () (iii) Passive Global Positioning Satellite (GPS) monitoring;
 - () (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);
 - () (v) Voice Recognition monitoring
- (✓) (v) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- (✓) (w) not disseminate materials acquired from the Government through pretrial discovery to any person.
- (✓) (x) undertake and complete any program directed by the pretrial services office or supervising officer, which may include inpatient or outpatient drug and/or alcohol rehabilitation, mental health treatment, medical treatment, or any other program deemed necessary by the pretrial services office or supervising officer.
- (✓) (y) not be present in any location where any illegal substance is being manufactured, used, or sold.
- (✓) (z) not access the Internet and consent to a search of his home, auto, personal computer, or other items of property at the discretion of the pretrial services office or supervising officer.

ADVICE OF PENALTIES AND SANCTIONS

You are advised of the following penalties and sanctions.

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention as provided in 18 U.S.C. § 3148, and a prosecution for contempt as provided in 18 U.S.C. § 401 which could result in a term of imprisonment, a fine, or both.

Committing a federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law (18 U.S.C. §1503) makes it a crime punishable by up to ten years of imprisonment, a \$250,000 fine, or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, a \$250,000 fine, or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

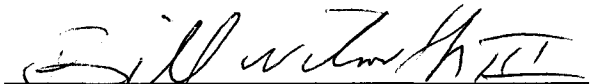
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you will be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you will be fined not more than \$250,000 or imprisoned not more than five years, or both;
- (3) any other felony, you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

ACKNOWLEDGMENT OF DEFENDANT

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.


Signature of Defendant

JUNCTION IL 62882
City State Zip

DIRECTIONS TO UNITED STATES MARSHAL

- (✓) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: May 7, 2009


HON. PHILIP M. FRAZIER
UNITED STATES MAGISTRATE JUDGE